

REMARKS

Claims 1, 2, 4-10 and 12 were pending in the application. No claims have been amended, canceled or added. Therefore, claims 1, 2, 4-10 and 12 are now pending and resubmitted for reconsideration.

Claims 1, 2, 4-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,234,890 ("Burberry"). Applicants respectfully traverse this rejection for at least the following reasons.

Burberry fails to teach or suggest each and every element of the claimed invention. For example, Burberry does not teach or suggest that "the absorption capacity of at least one layer for at least one wavelength (\pm) is at least partly *reduced* as a result of the laser radiation," as required by independent claims 1 and 10. Burberry merely discloses a "laser-induced thermal dye *transfer* system" in which a colorant is *transferred* from a carrier to a receiver (e.g., a paper sheet) by laser radiation. Burberry at col. 2, lines 27-30; *see also* Burberry at col. 6, lines 18-30. In Burberry, the dye layer absorbs the laser radiation. However, the absorption capacity of the dye layer is *not* reduced. *See* Burberry at col. 2, lines 35-45 and col. 4, lines 1-9. The laser radiation is merely converted to heat. Furthermore, the result of laser radiation in Burberry is a thermal effect to a bead. This bead contains the image dye and a light-absorbing material and a heat transfer is required between both materials. *See* Burberry at col. 2, lines 45-49. To the contrary, claims 1 and 10 require *reducing* the absorption capacity of at least one layer. No transfer of material takes place.

In addition, Burberry teaches a thermal transfer system to transfer color onto a paper sheet. *See* Burberry at col. 2, lines 27-44. Burberry does not teach or suggest a "card-shaped data carrier," as required by the claims. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 2, 4-9 and 12 depend from either claim 1 or claim 10 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

For example, Burberry does not teach or suggest “wherein at least one of the layers is at least partly transparent to visible light,” as required by claim 5. The Office Action states that Burberry discloses such a feature in col. 5, lines 40-68 and col. 6, lines 1-10. However, the cited text merely describes the visual properties of the dye receiving element only, not the light absorbing material. To the contrary, in claim 5, one of the layers (the light absorbing material itself) becomes “at least partly transparent.” Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date January 6, 2006

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4776
Facsimile: (202) 672-5399

By Jessica M. Palmer
Jessica M. Palmer
Attorney for Applicant
Registration No. 56,986